IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 990 OF 2003

IN

SUIT NO. 894 OF 2003

Patiraj Yadav .. Plaintiff

versus

Bansnarayan yadav & ors. .. Defendants

...

Mr.M.S. Pandey for the plaintiff.

Mr.J.D. Singh for the defendant

CORAM : D.G. KARNIK,J.

DATED : 11th March 2005.

P.C.:

1. Heard the learned counsel for the plaintiff.

2. This motion is taken out for attachment of room no.18. At the time of ad-interim relief itself, the defendant had stated that room no.18 has been demolished. Thereafter, the Court Commissioner was appointed who reported that there were only 16 rooms

and room no.18 was not in existence. Hence, ad-interim relief was declined. Thereafter, no new material has been produced on record to show that room no.18 is in existence. There is not even an averment in the affidavit in support that defendant is the owner of room no.18.

3. In the circumstances, motion is dismissed.

D.G. KARNIK, J